
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

MODESTO JOE PENA,

Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING GOVERNMENT’S
MOTION IN LIMINE SEEKING IN-
COURT VIEWING OF SIONE PUTUTAU
AND DEFENDANT

Case No. 2:20-CR-304 TS

District Judge Ted Stewart

This matter is before the Court on the government’s Motion in Limine Seeking In-Court Viewing of Sione Pututau and Defendant.¹ In its Motion, the government states its intention to have Mr. Pututau and Defendant stand and face the jury to allow the jury to view their physical characteristics in person. The government asserts that “[t]his real-life demonstration will afford the jury an opportunity to view each individual and to draw their own observations and conclusions as to Pututau’s and [D]efendant’s respective similarities and differences” among other things.² Defendant’s Response states that the parties have stipulated to this and requests that the Motion be denied as moot.

Because the Defendant does not dispute the government’s Motion, the Court will grant the Motion.

It is therefore


ORDERED that the government’s Motion in Limine (Docket No. 124) is GRANTED.

¹ Docket No. 124.

² *Id.* at 2.

DATED this 30th day of December, 2022.

BY THE COURT:



Ted Stewart
United States District Judge